

MONTANA LEGISLATIVE HISTORY

Chapter 342 19 72

Bill H _____ S 403 Original bill & history _____ C

H. Committee on State Admin.

S. Committee on State Admin.

Hearing Date(s) Mar 16 ☒ C

Hearing Date(s) Feb 16 _____ C

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Date Out _____ C

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

1 Senate BILL NO. 403
2 INTRODUCED BY Thurnage

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
5 LAWS IMPLEMENTING THE CONSTITUTIONAL RIGHT OF THE PEOPLE TO
6 PETITION FOR INITIATIVE AND REFERENDUM ON STATEWIDE ISSUES;
7 AMENDING SECTIONS 23-2704, 23-2802, 23-3326, AND 89-2330.3,
8 R.C.M. 1947; AND REPEALING SECTIONS 37-101 THROUGH 37-104,
9 37-104.1, 37-104.2, 37-104.3, 37-104.4, 37-104.5, 37-104.6,
10 37-104.7, 37-104.8, 37-104.9, 37-104.10, 37-105 THROUGH
11 37-110, AND 37-201 THROUGH 37-203, R.C.M. 1947."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. There is a new R.C.M. section numbered
15 37-115 that reads as follows:

16 37-115. Initiative and referendum procedures
17 established. The right of the people to petition to enact
18 laws by initiative, to petition to approve or reject by
19 referendum any act of the legislature except an
20 appropriation of money, to call for a vote on whether there
21 shall be a constitutional convention, and to propose
22 constitutional amendments by initiative as guaranteed by The
23 Constitution of the State of Montana may be exercised
24 through adherence to the procedures established in this
25 chapter.

1 Section 2. There is a new R.C.M. section numbered
2 37-116 that reads as follows:

3 37-116. Who may petition — sufficiency of signature.
4 A petition for the initiative, the referendum, or to call a
5 constitutional convention may be signed only by a qualified
6 elector of the state of Montana. A signature may not be
7 counted unless the elector has signed in substantially the
8 same manner as on the voter registry card.

9 Section 3. There is a new R.C.M. section numbered
10 37-117 that reads as follows:

11 37-117. Form of petition generally — approval of form
12 required — petitions numbered. (1) A petition for the
13 initiative, the referendum, or to call a constitutional
14 convention must be substantially in the form provided by
15 this chapter. Clerical or technical errors that do not
16 interfere with the ability to judge the sufficiency of
17 signatures on the petition do not render a petition void.

18 (2) Petitions must be submitted in a form such that
19 the face dimensions do not exceed 8 1/2 x 14 inches in size.
20 Each sheet may be 8 1/2 x 14 inches, or a continuous sheet
21 may be folded so as to meet this size limitation. Separate
22 sheets of a petition may be fastened in sections of not more
23 than 25 sheets. Neither a sheet nor a section of a petition
24 may contain signatures of electors from more than one
25 county.

INTRODUCED BILL

1 (3) Before a petition may be circulated for
 2 signatures, a sample sheet must be submitted to the
 3 secretary of state in the form in which it will be
 4 circulated. The secretary of state shall refer a copy of the
 5 sheet to the attorney general for his approval. The
 6 secretary of state and attorney general must each review the
 7 sheet for sufficiency as to form and approve or reject the
 8 form of the petition stating his reasons therefor. The
 9 attorney general shall return the sheet together with his
 10 comments within 3 working days after receiving it. The
 11 secretary of state shall review the comments of the attorney
 12 general and make a final decision as to the approval or
 13 disapproval of the form of the sheet. The secretary of state
 14 must notify the person who submitted the sheet of the
 15 approval or rejection together with reasons for rejection,
 16 if applicable, within 1 week of receiving the sheet.

17 (4) The secretary of state shall serially number all
 18 submitted petitions that are approved as to form
 19 continuously from year to year. The numbering system shall
 20 distinguish the different types of petitions received and
 21 include provisions for numbering measures referred to the
 22 people by the legislature.

23 Section 4. There is a new R.C.M. section numbered
 24 37-118 that reads as follows:

25 37-118. Petition for the initiative. (1) The following

1 is substantially the form for a petition calling for a vote
 2 to enact a law by the initiative:

3 WARNING

4 A person who purposefully signs a name other than his
 5 own to this petition or who signs his name more than once
 6 upon a petition for the same issue at one election or who is
 7 not, at the time he signs this petition, a qualified elector
 8 of the state of Montana is punishable by a fine not
 9 exceeding \$500 or imprisonment in the county jail for a term
 10 not to exceed 6 months, or both, or imprisonment in the
 11 state prison for a term not to exceed 10 years.

12 PETITION FOR INITIATIVE

13 To the Honorable, Secretary of State of the
 14 state of Montana:

15 We, the undersigned qualified electors of the state of
 16 Montana, respectfully propose that the measure printed
 17 within this petition, entitled (title of proposed law), be
 18 submitted to the qualified electors of the state of Montana
 19 for their approval or rejection at the general election to
 20 be held on the day of, 19... By his signature,
 21 each signer certifies: I have personally signed this
 22 petition; I am a qualified elector of the state of Montana;
 23 I have not signed another petition for the same issue for
 24 the same election; and my post-office address and
 25 legislative representative district number are correctly

1 written after my name to the best of my knowledge and
2 belief. The complete text of the measure proposed is as
3 follows: (complete text of proposed law).

4 (2) Numbered lines shall follow the above heading.
5 Each numbered line shall contain spaces for the signature,
6 post-office address, legislative representative district
7 number, and printed last name of the signer. Each separate
8 sheet of the petition shall contain the heading and the
9 complete text of the proposed law as prescribed above.

10 Section 5. There is a new R.C.M. section numbered
11 37-119 that reads as follows:

12 37-119. Petition for the referendum. (1) The following
13 is substantially the form for a petition calling for
14 approval or rejection of an act of the legislature by the
15 referendum:

16 WARNING

17 A person who purposefully signs a name other than his
18 own to this petition or who signs his name more than once
19 upon a petition for the same issue at one election or who is
20 not, at the time he signs this petition, a qualified elector
21 of the state of Montana is punishable by a fine of not
22 exceeding \$500 or imprisonment in the county jail for a term
23 not to exceed 6 months, or both, or imprisonment in the
24 state prison for a term not to exceed 10 years.

25 PETITION FOR REFERENDUM

1 To the Honorable, Secretary of State of the
2 state of Montana:

3 We, the undersigned qualified electors of the state of
4 Montana, respectfully petition that Senate (House) Bill
5 Number, entitled (title of act), passed by the
6 Legislature of the state of Montana at the regular (special)
7 session of the legislature that commenced, 19.., be
8 referred to the people of the state for their approval or
9 rejection at the general election to be held on the day
10 of, 19 ... By his signature, each signer certifies: I
11 have personally signed this petition; I am a qualified
12 elector of the state of Montana; I have not signed another
13 petition for the same issue for the same election; and my
14 post-office address and legislative representative district
15 number are correctly written after my name to the best of my
16 knowledge and belief. The complete text of the act to be
17 referred is as follows: (complete text of act).

18 (2) Numbered lines shall follow the above heading.
19 Each numbered line shall contain spaces for the signature,
20 post-office address, legislative representative district
21 number, and printed last name of the signer. Each separate
22 sheet of the petition shall contain the heading and the
23 complete text of the act on which referendum is petitioned
24 as prescribed above.

25 Section 6. There is a new R.C.M. section numbered

1 37-120 that reads as follows:

2 37-120. Petition for initiative for constitutional
3 convention. (1) The following is substantially the form for
4 a petition to direct the secretary of state to submit to the
5 qualified voters the question of whether there shall be a
6 constitutional convention:

7 WARNING

8 A person who purposefully signs a name other than his
9 own to this petition or who signs his name more than once
10 upon a petition for the same issue at one election or who is
11 not, at the time he signs this petition, a qualified elector
12 of the state is punishable by a fine not exceeding \$500 or
13 imprisonment in the county jail for a term not to exceed 6
14 months, or both, or imprisonment in the state prison for a
15 term not to exceed 10 years.

16 INITIATIVE PETITION ON THE QUESTION OF CALLING

17 A CONSTITUTIONAL CONVENTION

18 To the Honorable, Secretary of State of the
19 state of Montana:

20 We, the undersigned qualified electors of the state of
21 Montana, respectfully petition that the question of whether
22 there shall be an unlimited convention to revise, alter, or
23 amend The Constitution of the State of Montana be submitted
24 to the qualified electors of the state of Montana for their
25 approval or rejection at the general election to be held on

1 the day of, 19... By his signature, each signer
2 certifies: I have personally signed this petition; I am a
3 qualified elector of the state of Montana; I have not signed
4 another petition for the same issue for the same election;
5 and my post-office address and legislative representative
6 district number are correctly written after my name to the
7 best of my knowledge and belief.

8 (2) Numbered lines shall follow the above heading.
9 Each numbered line shall also contain spaces for the
10 signature, post-office address, legislative representative
11 district number, and printed last name of the signer. Each
12 separate sheet of the petition shall contain the heading
13 prescribed above.

14 Section 7. There is a new F.C.M. section numbered
15 37-121 that reads as follows:

16 37-121. Petition for initiative for constitutional
17 amendment. (1) The following is substantially the form for a
18 petition for the initiative to amend the constitution:

19 WARNING

20 A person who purposefully signs a name other than his
21 own to this petition or who signs his name more than once
22 upon a petition for the same issue at one election or who is
23 not, at the time he signs this petition, a qualified elector
24 of the state of Montana is punishable by a fine not
25 exceeding \$500 or imprisonment in the county jail for a term

1 not to exceed 6 months, or both, or imprisonment in the
2 state prison for a term not to exceed 10 years.

3 PETITION PROPOSING A CONSTITUTIONAL AMENDMENT

4 BY THE INITIATIVE

5 To the Honorable, Secretary of State of the
6 state of Montana:

7 We, the undersigned qualified electors of the state of
8 Montana, respectfully petition that the constitutional
9 amendment printed within this petition be submitted to the
10 qualified electors of the state of Montana for their
11 approval or rejection at the statewide election to be held
12 on the day of, 19... By his signature, each
13 signer certifies: I have personally signed this petition; I
14 am a qualified elector of the state of Montana; I have not
15 signed another petition for the same issue for the same
16 election; and my post-office address and legislative
17 representative district number are correctly written after
18 my name to the best of my knowledge and belief. The complete
19 text of the proposed amendment is as follows: (complete text
20 of proposed amendment).

21 (2) Numbered lines shall follow the above heading.
22 Each numbered line shall contain spaces for the signature,
23 post-office address, legislative representative district
24 number, and printed last name of the signer. Each separate
25 sheet of the petition shall contain the heading and the

1 complete text of the proposed amendment as prescribed above.

2 Section 8. There is a new B.C.M. section numbered
3 37-122 that reads as follows:

4 37-122. Submission of petition sheets — certification
5 of signatures. (1) Signed sheets or sections of petitions
6 shall be submitted to the official responsible for
7 registration of electors in the county in which the
8 signatures were obtained no sooner than 1 year and no later
9 than 2 weeks before the final date for filing the petition
10 with the secretary of state. In no case, however, may a
11 person submit a sheet or section of a petition to the county
12 official so late as to allow less than 1 working day before
13 the final date for filing the petition with the secretary of
14 state for every 200 signatures on the sheets or sections of
15 the petition submitted.

16 (2) An affidavit, in substantially the following form,
17 shall be attached to each sheet or section submitted to the
18 county official:

19 (Name of person circulating petition), being first
20 sworn, deposes and says: That I circulated or assisted in
21 circulating the petition to which this affidavit is attached
22 and I believe the signatures thereon are genuine, are the
23 signatures of the persons whose names they purport to be,
24 and that the signers knew the contents of the petition
25 before signing the same.

1 (Signature)
 2 Subscribed and sworn to before me this day of,
 3 19...

4 (Person authorized to take oaths)
 5 Seal (Title or notarial information)

6 Section 9. There is a new R.C.M. section numbered
 7 37-123 that reads as follows:

8 37-123. County official to forward verified sheets.

9 (1) The county official verifying the number of registered
 10 electors signing the petition shall forward it to the
 11 secretary of state by certified mail with a certificate in
 12 substantially the following form attached:

13 To the Honorable, Secretary of State of the
 14 state of Montana:

15 I,, (title) of the County of,
 16 certify that I have examined the attached (section
 17 containing sheets) or (.... sheets) of the petition for
 18 (referendum, initiative, constitutional convention, or
 19 constitutional amendment) No. in the manner prescribed
 20 by law; and I believe that (number) signatures in
 21 Legislative Representative District No. (repeat for
 22 each district included in sheet or section) are valid; and I
 23 further certify that the affidavit of the circulator of the
 24 (sheet) (section) of the petition is attached and the
 25 post-office address and legislative representative district

1 number is completed for each valid signature.

2 Signed: (Date) (Signature)

3 Seal (Title)

4 (2) The county official certifying the sheets or
 5 sections of a petition shall keep a copy of the sheets or
 6 sections certified in the official files of his office. The
 7 copies may be destroyed 3 months after the date of the
 8 election specified in the petition unless a court action is
 9 pending on the sufficiency of the petition.

10 (3) The county official receiving the sheets or
 11 sections of a petition shall check the names of all signers
 12 to verify they are registered electors of the county. In
 13 addition, the official shall randomly select 10% of the
 14 signatures on each sheet or section and compare them with
 15 the signatures of the electors as they appear in the
 16 registration records of the office. If all the randomly
 17 selected signatures appear to be genuine, the number of
 18 signatures of registered electors on the sheet or section
 19 may be certified to the secretary of state without further
 20 comparison of signatures. If any of the randomly selected
 21 signatures do not appear to be genuine, all signatures on
 22 that sheet or section must be compared with the signatures
 23 in the registration records of the office.

24 (4) The county official to whom the sheets or sections
 25 of the petition are submitted may not retain a sheet or

1 section for longer than 1 working day for each 200
2 signatures on the sheet or section. The secretary of state
3 may extend this time if he is convinced the workload
4 involved requires extension.

5 (5) A registered elector of a county having reason to
6 believe that signatures on a petition that were not among
7 those actually compared with signatures in the registration
8 records of the county are not genuine may file a sworn
9 statement of his belief and request for comparison of those
10 signatures he believes are not genuine with the county
11 official certifying the sheet or section of the petition.
12 If any of the challenged signatures are not genuine, the
13 county official must compare all signatures on that sheet or
14 section and issue an amended certificate to the secretary of
15 state giving the correct number of valid signatures.

16 Section 10. There is a new R.C.M. section numbered
17 37-124 that reads as follows:

18 37-124. Consideration and counting of signatures by
19 secretary of state. (1) The secretary of state shall
20 consider and count only such signatures on petitions as are
21 certified by the proper county official, and each such
22 certificate is prima facie evidence of the facts stated
23 therein. However, the secretary of state may consider and
24 count any signature not certified by the county official
25 that is certified by a notary public of the county in which

1 the signer resides to be the genuine signature of an elector
2 legally qualified to sign the petition.

3 (2) The official certificate of the notary public for
4 any signature not certified as valid by the county official
5 shall be in substantially the following form:

6 State of Montana) ss
7 County of)

8 I, (name), a duly qualified and acting notary
9 public in and for the above-named county and state, do
10 hereby certify: that I am personally acquainted with each of
11 the following-named electors whose signatures are affixed to
12 the annexed (petition) (copy of a petition), and I know of
13 my own knowledge that they are registered electors of the
14 state of Montana and of the county and legislative district
15 written after their names in the petition and that their
16 post-office address is correctly stated therein.
17 (Names of such electors)

18 In Testimony Whereof, I have hereunto set my hand and
19 official seal this day of, 19...

20 (Signature)
21 Seal (Notarial information)

22 Section 11. There is a new R.C.M. section numbered
23 37-125 that reads as follows:

24 37-125. Time for filing. Unless a specific time for
25 filing is provided in the constitution, all petitions filed

1 with the secretary of state, certified as provided by law,
2 must be received before 5 p.m. of the second Friday of the
3 fourth month prior to the election at which they are to be
4 voted upon by the people.

5 Section 12. There is a new R.C.M. section numbered
6 37-126 that reads as follows:

7 37-126. Certification of petition to governor --
8 governor's proclamation. When sheets or sections of a
9 petition for referendum, initiative, constitutional
10 convention, or constitutional amendment containing a
11 sufficient number of signatures have been filed with the
12 secretary of state within the time required by the
13 constitution or by law, he shall immediately certify to the
14 governor that the completed petition has been officially
15 filed. The governor shall include the titles of all ballot
16 issues certified to him by the secretary of state or
17 referred to the people or proposed by the legislature in the
18 proclamation required by 23-2901 and shall also include a
19 brief statement of each issue's tenor and effect.

20 Section 13. There is a new R.C.M. section numbered
21 37-127 that reads as follows:

22 37-127. Transmittal of issues to the attorney general
23 -- attorney general's statement. (1) The secretary of state
24 shall transmit a copy of a ballot issue proposed by any type
25 of initiative petition or referred to the people by

1 referendum petition and a copy of the form in which the
2 issue will appear on the ballot to the attorney general on
3 the same day he certifies the official filing of the
4 completed petition to the governor.

5 (2) The secretary of state shall transmit a copy of an
6 act referred to the people or a constitutional amendment
7 proposed by the legislature and a copy of the form in which
8 the issue will appear on the ballot to the attorney general
9 no later than 6 months before the election at which the
10 issue will be voted on by the people.

11 (3) Within 10 days after receiving a copy of a ballot
12 issue that will be voted on by the people, the attorney
13 general shall return to the secretary of state a statement
14 not exceeding 100 words in ordinary plain language
15 explaining the general purpose of the issue submitted. The
16 statement by the attorney general shall give a true and
17 impartial statement of the purposes of the issue in plain,
18 easily understood language and in a manner that is not an
19 argument or likely to create prejudice either for or against
20 the issue.

21 (4) At the same time he returns the statement
22 explaining the purposes of the issue, the attorney general
23 shall notify the secretary of state of his approval or
24 disapproval of the ballot form for the issue submitted by
25 the secretary. If the ballot form is not approved, the

1 secretary of state shall immediately submit a new ballot
2 form and notice of approval or disapproval must be given by
3 the attorney general within 5 days of receiving the new
4 form. Either officer may request the assistance of the
5 supreme court if the two are not able to agree on the ballot
6 form for any issue.

7 (5) If statements of the implication of a vote for or
8 against a ballot issue have been provided by the legislative
9 act or petition placing the issue on the ballot, the
10 secretary of state shall include a copy of the statements
11 with the copy of the issue submitted to the attorney
12 general. When the attorney general returns his statement of
13 the general purpose of the issue to the secretary of state,
14 he shall include a notice that he has reviewed the
15 statements of the implication of a vote for or against the
16 issue and may include comments as to whether the statements
17 clearly explain the implications of a vote. If statements of
18 the implication of a vote for or against a measure have not
19 been provided, the attorney general shall provide the
20 statements with his statement of the general purpose of the
21 issue. Statements of the implication of a vote for or
22 against a ballot issue shall be no more than 25 words and
23 shall be in simple language clearly explaining the meaning
24 of a vote for the issue or a vote against the issue. Such
25 statements shall be placed beside the diagram provided for

1 the marking of the ballot similar to the following example:
2 ☐ FOR extending the right to vote to persons 18 years
3 of age.

4 ☐ AGAINST extending the right to vote to persons 18
5 years of age.

6 (6) In the case of an act referred to the people or a
7 constitutional amendment proposed by the legislature, the
8 secretary of state shall prepare a statement setting forth
9 the vote by which the issue passed each house of the
10 legislature. The secretary of state shall file an official
11 copy of his statement with the attorney general's statement
12 on the issue in the official records of his office.

13 Section 14. There is a new R.C.M. section numbered
14 37-128 that reads as follows:

15 37-128. Voter information pamphlet. (1) (a) The
16 secretary of state shall prepare for printing a voter
17 information pamphlet containing the following information
18 for each ballot issue to be voted on at an election, as
19 applicable:

- 20 (i) title and complete text of the issue;
- 21 (ii) statement of the secretary of state;
- 22 (iii) statement of the attorney general;
- 23 (iv) the form in which the issue will appear on the
24 ballot;
- 25 (v) arguments advocating approval and rejection of the

1 issue; and

2 (vi) rebuttal arguments.

3 (b) The secretary of state may arrange the information
4 in the order which seems most appropriate, but the
5 information for all issues in the pamphlet shall be
6 presented in the same order.

7 (2) The arguments advocating approval or rejection of
8 the ballot issue and rebuttal arguments shall be submitted
9 to the secretary of state by committees appointed as
10 provided in this subsection:

11 (a) The committee advocating approval of an act
12 referred to the people or a constitutional amendment
13 proposed by the legislature or an act referred to the people
14 by referendum petition shall be composed of one senator
15 known to favor the measure, appointed by the president of
16 the senate; one representative known to favor the measure,
17 appointed by the speaker of the house of representatives;
18 and one member who need not be a member of the legislature,
19 appointed by the first two members.

20 (b) The committee advocating rejection of a ballot
21 issue referred to the people or proposed by the legislature
22 shall be composed of one senator appointed by the president
23 of the senate; one representative appointed by the speaker
24 of the house of representatives; and one member who need not
25 be a member of the legislature, appointed by the first two

1 members. Whenever possible, the members shall be known to
2 have opposed the issue.

3 (c) A three-member committee advocating approval of a
4 ballot issue proposed by any type of initiative petition or
5 advocating rejection of any ballot issue that is a
6 legislative act referred to the people by referendum
7 petition shall be appointed by the chairman of the
8 organization that was first on record with the commissioner
9 of campaign finances and practices as a proponent of the
10 petition.

11 (d) A committee advocating rejection of a ballot issue
12 proposed by any type of initiative petition shall be
13 composed of five members. The governor, attorney general,
14 president of the senate, and speaker of the house of
15 representatives shall each appoint one member, and the fifth
16 member shall be appointed by the first four members. All
17 members shall be known to favor rejection of the issue.

18 Section 15. There is a new R.C.M. section numbered
19 37-129 that reads as follows:

20 37-129. Time for making appointments — chairman. (1)
21 Appointments to committees advocating approval or rejection
22 of an act referred to the people or a constitutional
23 amendment proposed by the legislature shall be filed with
24 the secretary of state no later than 4 months before the
25 election at which the ballot issue will be voted on by the

1 people.

2 (2) Appointments to committees advocating approval or
3 rejection of a ballot measure referred to the people by
4 referendum petition or proposed by any type of initiative
5 petition shall be filed with the secretary of state no later
6 than 10 days after the measure is certified to the governor.
7 At the same time the certification of the sufficiency of a
8 petition is made to the governor, the secretary of state
9 shall notify all persons responsible for appointing members
10 of committees advocating approval or rejection of the issue
11 of the date by which such appointments must be filed in his
12 office.

13 (3) The appointee of the president of the senate is
14 the chairman of any committee to which that officer makes an
15 appointment. The appointing authority for other committees
16 shall name a chairman at the time the appointments are made.

17 Section 16. There is a new R.C.M. section numbered
18 37-130 that reads as follows:

19 37-130. Expenses allowed. Each committee is entitled
20 to receive funds for the preparation of arguments and
21 expenses of members not to exceed \$150 for a three-member
22 committee and \$250 for a five-member committee. Itemized
23 claims for actual expenses incurred, approved by a majority
24 of the committee, shall be submitted to the secretary of
25 state for payment from funds appropriated for that purpose.

1 Section 17. There is a new R.C.M. section numbered
2 37-131 that reads as follows:

3 37-131. Limitation on length of argument advocating
4 approval or rejection -- time of filing. An argument
5 advocating approval or rejection of a ballot issue is
6 limited to 500 words and shall be filed, in typewritten
7 form, with the secretary of state no later than 30 days
8 following the date by which the appointment of the committee
9 was required to be filed with the secretary of state. In no
10 case, however, may an argument be submitted for filing later
11 than 70 days before the election at which the issue will be
12 voted on by the people. A majority of the committee
13 responsible for preparation must approve and sign each
14 argument filed. Separate signed letters of approval of an
15 argument may be filed with the secretary of state by members
16 of a committee if necessary to meet the filing deadline.

17 Section 18. There is a new R.C.M. section numbered
18 37-132 that reads as follows:

19 37-132. Rebuttal arguments. The secretary of state
20 shall provide copies of the arguments advocating approval or
21 rejection of a ballot issue to the members of the adversary
22 committee no later than 1 day following the filing of both
23 the approval and rejection arguments for the issue in his
24 office. The committees may prepare rebuttal arguments no
25 longer than 250 words that shall be filed, in typewritten

1 form, with the secretary of state no later than 10 days
 2 after the deadline for filing the original arguments.
 3 Discussion in the rebuttal argument must be confined to the
 4 subject matter raised in the argument being rebutted. The
 5 rebuttal argument shall be approved and signed by a majority
 6 of the committee responsible for its preparation. Separate
 7 signed letters of approval may be submitted in the same
 8 manner as for the original arguments.

9 Section 19. There is a new R.C.M. section numbered
 10 37-133 that reads as follows:

11 37-133. Rejection of improper arguments --
 12 responsibility of author for content. (1) The secretary of
 13 state shall reject, with the approval of the attorney
 14 general, an argument or other matter held to contain
 15 obscene, vulgar, profane, scandalous, libelous, or
 16 defamatory matter; any language that in any way incites,
 17 counsels, promotes, or advocates hatred, abuse, violence, or
 18 hostility toward, or that tends to cast ridicule or shame
 19 upon, a group of persons by reason of race, color, religion,
 20 or sex; or any matter not allowed to be sent through the
 21 mail. Such arguments may not be filed or printed in the
 22 voter information pamphlet.

23 (2) Nothing in this act relieves an author of any
 24 argument from civil or criminal responsibility for
 25 statements contained in an argument printed in the voter

1 information pamphlet.

2 Section 20. There is a new R.C.M. section numbered
 3 37-134 that reads as follows:

4 37-134. Printing and distribution of voter information
 5 pamphlet. (1) The secretary of state shall arrange with the
 6 department of administration by requisition for the printing
 7 and delivery of a voter information pamphlet for all ballot
 8 issues to be submitted to the people at least 90 days before
 9 the election at which they will be submitted. The
 10 requisition shall include a delivery list providing for
 11 shipment of the required number of pamphlets to each county
 12 and to the secretary of state.

13 (2) The secretary of state shall estimate the number
 14 of copies necessary to furnish one copy to every voter in
 15 each county and provide for an extra supply of the pamphlets
 16 in his office in determining the number of voter pamphlets
 17 to be ordered in the requisition.

18 (3) The department of administration shall call for
 19 bids and contract with the lowest bidder for the printing
 20 and delivery of the voter information pamphlet. The contract
 21 shall require completion of printing and shipment, as
 22 specified on the delivery list, of the voter information
 23 pamphlets by not later than 30 days before the election at
 24 which the ballot issues will be voted on by the people.

25 (4) The county official responsible for voter

1 registration in each county shall mail one copy of the voter
2 information pamphlet to each registered voter of the county
3 no later than 2 weeks after the pamphlets are received from
4 the printer.

5 (5) Ten copies of the voter information pamphlet shall
6 be available at each precinct for use by any voter wishing
7 to read the explanatory information and complete text before
8 voting on the ballot issues.

9 Section 21. There is a new B.C.M. section numbered
10 37-135 that reads as follows:

11 37-135. Secretary of state to certify ballot form. (1)
12 The secretary of state shall furnish to the official of each
13 county responsible for preparation and printing of the
14 ballots, at the same time as he certifies the names of the
15 persons who are candidates for offices to be filled at the
16 election, a certified copy of the form in which each ballot
17 issue to be voted on by the people at that election is to
18 appear on the ballot. Unless otherwise provided in the
19 legislative act or petition placing the issue on the ballot,
20 the secretary of state shall list for each issue the number,
21 the method of placement on the ballot, the title, and the
22 statements of the implication of a vote for or against the
23 issue that are to be placed beside the diagram for marking
24 the ballot. The secretary of state shall use for each ballot
25 issue the title of the legislative act, legislative

1 constitutional proposal, or ballot issue proposed by any
2 type of initiative petition unless that title exceeds 100
3 words. A title of 100 words or less for the ballot shall be
4 provided by the legislature or the organization circulating
5 the petition if the official title exceeds 100 words.
6 Following the number of the ballot issue, the secretary of
7 state shall include one of the following statements to
8 identify why the issue has been placed on the ballot:

- 9 (a) an act referred by the legislature;
- 10 (b) an amendment to the constitution proposed by the
11 legislature;
- 12 (c) an act of the legislature referred by referendum
13 petition; or
- 14 (d) a law or constitutional amendment proposed by
15 initiative petition.

16 (2) Each of the county officials responsible for the
17 preparation and printing of the ballots shall print the
18 ballot issues on the official ballot in the form and order
19 in which the issues have been certified by the secretary of
20 state. All ballot issues shall be placed on the official
21 ballot prescribed by 23-3506, 23-3804, or 23-3904 unless
22 specific written approval by the secretary of state for
23 placing the ballot issues on a separate ballot is received
24 by the official responsible for printing the ballot. The
25 secretary of state may issue such approval only when the

1 number of issues to be voted on at an election makes it
 2 impossible to print the entire ballot, including the ballot
 3 issues, on the official ballot as prescribed by 23-3506,
 4 23-3804, or 23-3904.

5 Section 22. There is a new R.C.M. section numbered
 6 37-136 that reads as follows:

7 37-136. Determination of result of election. (1) The
 8 votes on ballot issues shall be counted, canvassed, and
 9 returned by the regular boards of judges, clerks, and
 10 officers as votes for candidates are counted, canvassed, and
 11 returned. The abstract of votes on ballot issues shall be
 12 prepared and returned to the secretary of state in the
 13 manner provided by 23-4015 for abstract of votes for state
 14 officers. The state board of canvassers shall proceed within
 15 20 days after the election at which such ballot issues are
 16 voted upon and, at the same time as the votes for state
 17 officers are canvassed, canvass the votes given for each
 18 ballot issue. The secretary of state, as secretary of the
 19 board of state canvassers, shall prepare and file in his
 20 office a statement of the canvass giving the number and
 21 title of each issue, the whole number of votes cast in the
 22 state for and against each ballot issue, and the effective
 23 date of each ballot issue approved by a majority of those
 24 voting on the issue. The secretary of state shall transmit a
 25 certified copy of the statement of the canvass to the

1 governor.

2 (2) The secretary of state shall send a certified copy
 3 of all ballot issues which have been approved by a majority
 4 of those voting on the issue and a copy of the statement of
 5 the canvass to the executive director of the legislative
 6 council at the same time he transmits a certified copy of
 7 the statement of the canvass to the governor.

8 Section 23. There is a new R.C.M. section numbered
 9 37-137 that reads as follows:

10 37-137. Effective date of initiative and referendum
 11 issues. (1) Unless the petition placing an initiative issue
 12 on the ballot states otherwise, an initiative issue approved
 13 by the people is effective on July 1 following approval.

14 (2) Unless the legislature provides otherwise, a
 15 constitutional amendment proposed by the legislature and
 16 approved by the people is effective on July 1 following
 17 approval.

18 (3) Unless specifically provided by the legislature in
 19 an act referred by it to the people or until suspended by a
 20 petition signed by at least 15% of the qualified electors in
 21 a majority of the legislative representative districts, an
 22 act referred to the people is in effect as provided by law
 23 until it is approved or rejected at the election. An act
 24 that is rejected is repealed effective the date the result
 25 of the canvass is filed by the secretary of state under

1 37-136. An act referred to the people that was in effect at
 2 the time of the election and is approved by the people
 3 remains in effect. An act that was suspended by a petition
 4 and is approved by the people is effective the date the
 5 result of the canvass is filed by the secretary of state
 6 under 37-136. An act referred by the legislature that
 7 contains an effective date following the election becomes
 8 effective on that date if approved by the people. An act
 9 that provides no effective date and whose substantive
 10 provisions were delayed by the legislature pending approval
 11 at an election and that is approved is effective July 1
 12 following the election.

13 Section 24. There is a new R.C.M. Section numbered
 14 37-138 that reads as follows:

15 37-138. Violations -- penalties. A person who
 16 knowingly makes a false entry upon a petition or affidavit
 17 required by this chapter or who knowingly signs a petition
 18 to place the same issue on the ballot at the same election
 19 more than once is guilty of unsworn falsification or
 20 tampering with public records or information, as
 21 appropriate, and is punishable as provided in 94-7-204 or
 22 94-7-209, as applicable.

23 Section 25. Section 23-2704, R.C.M. 1947, is amended
 24 to read as follows:

25 "23-2704. Notice and closing of registration for

1 elections on incurring of state indebtedness other than for
 2 refunding or levy of tax. (1) If the question of state
 3 indebtedness, issuance of bonds or debentures other than for
 4 refunding, or the levy of a tax for state purposes, is
 5 submitted at an election other than a general biennial
 6 election, the registrar of each county shall publish in the
 7 official county newspaper, a notice signed by him, stating
 8 that registration will close at noon on the fortieth (40th)
 9 day prior to the date of the election unless the act
 10 providing for the submission of the question fixes a
 11 different time for the giving of notice. The notice shall be
 12 published ten (10) days or more prior to the date when
 13 registration will be closed unless the act providing for
 14 submission of the question fixes a different time for
 15 closing registration.

16 (2) If the question is to be submitted at a general
 17 biennial election, notice and the closing of registration
 18 shall be governed by the laws applying to general biennial
 19 elections. The provisions of ~~section 37-107, R.C.M. 1947~~
 20 37-134 apply to the printing and distribution of copies of
 21 the proposed law."

22 Section 26. Section 23-2802, R.C.M. 1947, is amended
 23 to read as follows:

24 "23-2802. Publication and printing of amendments to
 25 constitution. If a proposed constitutional amendment or

amendments are submitted to the people, the secretary of state shall:

~~(1) Have have~~ the proposed amendment or amendments published in full twice each month for ~~two~~ (2) months previous to the election at which they are to be voted upon by the people in not less than one ~~(1)~~ newspaper ~~commonly~~ circulated of general circulation in each county.

~~(2) Have a pamphlet printed containing an exact copy of the proposed amendment or amendments, an exact copy of existing constitutional provisions to be revised, and the amendment or amendments in the form in which it or they will be printed on the official ballot. The printed pamphlets shall be distributed as provided in section 37-407, R.C.M. 1947."~~

Section 27. Section 89-2330.3, R.C.M. 1947, is amended to read as follows:

"89-2330.3. Procedures for elections in drainage districts. The election provided for by section 89-2330.1 shall be governed by the following rules.

(1) Notice of the election shall be as provided in section 89-2303 except that the form of the ballot shall be as hereinafter provided.

(2) The manner of conducting the election shall be as provided in section 89-2304.

(3) The qualifications of electors shall be as

provided in section 89-2305 except that, in addition to persons holding title, or evidence of title to lands within the district, any person as therein defined who does not own land within the district but has been assessed or will have his improvements assessed under chapter 409, Laws of 1973, or who will be assessed for benefits received, shall be entitled to one (1) vote. Commissioners shall prepare a list of such persons and give them notice as provided in section 89-2303.

(4) The commissioners of any district in existence prior to the effective date of chapter 409, Laws of 1973, who wish to hold an election to determine if the district shall be governed by chapter 409, Laws of 1973, shall at any regular or special meeting adopt a resolution calling for an election to determine whether or not the voters of said district wish to be governed by chapter 409, Laws of 1973. The resolution shall contain a short summary of the changes made by chapter 409, Laws of 1973 and shall include the summary as part of the notice provided for by section 89-2303. In addition, the commission shall provide copies of chapter 409, Laws of 1973 to any person interested in obtaining a copy of the same and the notice to the persons in the district calling the election shall describe where and how copies may be obtained. The commissioners may authorize a reasonable charge for providing said copies, not

1 to exceed twenty cents (\$.20) per page.

2 (5) The ballot shall include the summary as provided
3 for in the preceding paragraph and the form of the ballot
4 shall conform, as closely as possible, to that set forth in
5 ~~section 37-104~~ 37-127.

6 (6) A simple majority of those who cast valid ballots
7 shall determine the outcome of the election."

8 Section 28. Section 23-3326, R.C.M. 1947, is amended
9 to read as follows:

10 "23-3326. Submission and verification of petition.
11 Petitions of nomination for the presidential preference
12 primary election must be presented to the county clerk and
13 recorder of the county in which the signatures are gathered.
14 The county clerk and recorder must verify the signatures in
15 the manner prescribed in ~~section 37-103, R.C.M., 1947,~~
16 37-123 and must forward the petitions to the secretary of
17 state. The petitions must be submitted to the clerk and
18 recorder at least ~~thirty~~ thirty days before the filing
19 deadline established in ~~section 23-3305, R.C.M., 1947.~~"

20 Section 29. Repealer. Sections 37-101 through 37-104,
21 37-104.1, 37-104.2, 37-104.3, 37-104.4, 37-104.5, 37-104.6,
22 37-104.7, 37-104.8, 37-104.9, 37-104.10, 37-105 through
23 37-110, and 37-201 through 37-203, R.C.M. 1947, are
24 repealed.

-End-

STATE OF MONTANA

REQUEST NO. 388-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 7, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 403 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

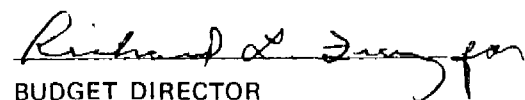
Revises the laws implementing the constitutional right of the people to petition for initiative and referendum on statewide issues.

FISCAL IMPACT:

Minimal.

LOCAL IMPACT:

Counties should realize some saving of costs in processing petitions and in printing ballots.


BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-11-77

SENATE JOINT RESOLUTION 12

Senator Rasmussen, District 16, sponsor of the resolution, stated the purpose of the resolution is to compile land use data yearly. He stated his proposed amendments would lower the cost to approximately \$30,000.

PROPOSERS

Richard Burke, Acting Director of the Environmental Quality Council, stated this would help in determining what is on hand at present and where duplication exists.

There being no further proposers and no opponents, the hearing was closed.

Senator Story expressed a concern over possible misuse of the information.

Senator Towe asked who would compile the report and Mr. Burke stated it didn't make any difference but should be written into the bill.

Senator Roskie asked if the bill was submitted at the direct request of the E.Q.C. Senator Rasmussen answered yes.

SENATE BILL 403

Senator Turnage, District 13, sponsor of the bill, stated the purpose of the bill clarify and clean up the petition and initiative process language in the codes.

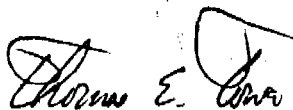
PROPOSERS

Jo Ann Woodgerd, Secretary of State's Office, stated the bill was introduced at the request of that office and is more substantive than a recodification bill. She reviewed the changes proposed by the bill for the committee.

Margaret Davis, League of Women Voters, stated her support of the bill.

There being no further proposers and no opponents, the hearing was closed.

There being no further business, the meeting adjourned to reconvene upon adjournment of the Senate, February 16.



Thomas E. Towe, Chairman

SENATE State Administration COMMITTEE

BILL _____

VISITORS' REGISTER

DATE _____

NAME	REPRESENTING	BILL #	(check one) SUPPORT	OPPO
Steve Perlmutter	EQC	STR 12 SB 314	✓	
Duke Pank	EQC	STR 12	✓	
Alan Woodford	Sec. of State	SB 286 SB 403	— marked	
James J. Campbell	Sec. of State	SB 286 SB 403	—	
Helen Vaughan MacKenzie	Citizen			
Jay Bruck	League of Women Voters	STR 10 SB 403	✓	
Joan Williams	League of Women Voters	STR 10	✓	
Margaret Davis	League of Women Voters	SB 403 STR 10	✓	
Eva Spaulding	League of Women Voters	STR 10	✓	
Frank Richman	Senator	SB 395	✓	
Jack Crosser	Dept. of Admin.	SB 286	✓	
P. B. Taylor	MHP	SB 395		
Tom Hugo	Senator - Sponsor	SB 314	✓	
Sharon M. Van Tyl	Tenneco	SB 314 STR 12	following	
W. Smith	Self	SB 286		
Bill Quicoff	intern			

ROLL CALL

COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 3/16/77

[illegible]

Page 2
Minutes
Feb. 16, 1977

SENATE BILL 179

Senator Brown moved to amend the bill as per the attached committee report. THE MOTION CARRIED WITH SENATOR ROSKIE VOTING NO AND SENATORS STORY AND DEVINE ABSENT.

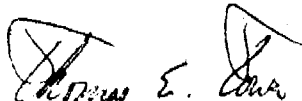
Senator Brown moved Senate Bill 179 Do Pass As Amended. THE MOTION CARRIED WITH SENATOR ROSKIE NO AND SENATORS STORY AND DEVINE ABSENT.

SENATE BILL 403

Jo Ann Woodgerd, Secretary of State's Office, proposed amendments to the committee regarding the bill. After discussion, Senator Blaylock moved the amendments as per the attached committee report. THE MOTION CARRIED UNANIMOUSLY WITH SENATORS ROSKIE, DEVINE, AND STORY ABSENT.

Senator Blaylock moved Senate Bill 403 Do Pass As Amended. THE MOTION CARRIED UNANIMOUSLY WITH SENATORS ROSKIE, DEVINE, AND STORY ABSENT.

There being no further business, the meeting adjourned to reconvene February 18, 1977.



Thomas E. Towe, Chairman

ROLL CALL

COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date .

[illegible]

STANDING COMMITTEE REPORT

February 18

19 77

MR. President

We, your committee on State Administration

having had under consideration Senate Bill No. 403

Respectfully report as follows: That Senate Bill No. 403 introduced bill, be amended as follows:

1. Amend page 2, section 3, lines 18 through 25.

Following: line 17

Strike: lines 18 through 25 in their entirety

Insert: "(2) Petition -- Petition sheets may not exceed 8 1/2 x 14 inches in size. Separate sheets of a petition may be fastened in sections of not more than 25 sheets. Near the top of each sheet containing signature lines must be printed the title of the statute or constitutional amendment proposed or the measure to be referred or a statement that the petition is for the purpose of calling a constitutional amendment. If signature lines are printed on both the front and back of a petition sheet the information required above must appear on both the front and back of the sheet. The complete text of the measure proposed or referred must be attached to or contained within each signature sheet if sheets are circulated separately. If sheets are circulated in sections the complete text of the measure must be attached to each section."

2. Amend page 5, section 4, lines 2 and 3.

Following: "belief."

Strike: lines 2 and 3 in their entirety

3. Amend page 5, section 4, lines 7 through line 9.

Following: "signer."

Strike: lines 7 through 9 in their entirety

4. Amend page 6, section 4, lines 16 and 17.

Following: "belief"

Strike: lines 16 and 17 in their entirety

5. Amend page 6, section 4, lines 21 through 24.

Following: "signer."

Strike: lines 21 through 24 in their entirety

6. Amend page 8, section 6, lines 11 through 13.

Following: "signer."

Strike: lines 11 through 13 in their entirety

7. Amend page 9, section 7, lines 18 through 20.

Following: "belief."

Strike: lines 18 through 20 in their entirety

8. Amend page 9, section 7, lines 24 through line 1 on page 10.

Following: "signer."

Strike: lines 24 through line 1 on page 10 in their entirety

9. Amend page 10, section 8, line 19.

Following: "petition,"

Insert: "affirms, or"

10. Amend page 12, section 9, line 13.

Following: "select"

Strike: "10% of the"

11. Amend page 13, section 9, line 9.

Following: "statement"

~~Strike: "or affirmation"~~

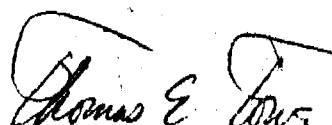
INSERT:

12. Amend page 17, section 13, lines 4 through 6.

Following: "form."

Strike: lines 4 through 7 in their entirety

AND AS SO AMENDED, DO PASS


Thomas E. Towne, Chairman

The meeting was called to order at 8:00 a.m. by Chairman Brand, roll call was taken, with Representatives Ryan and Bardanouve absent.

Dick Hargesheimer distributed his summary of SB 403 to the committee, see attachment #1

EXECUTIVE ACTION

SJR 35-BRAND-Both parties have agreed that with no amendments, they would support the resolution, then they will bring out another bill or resolution to have another task force. MULAR-The task force would be comprised of 9 legislators, there would be \$300,000 appropriated, and it would be a jurisdictional committee. The question was asked if the Inter-Tribal Policy Board would send a man to a task force. They said no, that they wanted the chief from each tribe to be there. TURNER-There was an article in the paper saying that they would have the power to tax, and enforce their laws. MULAR-With this bill, Congress will be addressed, and with the other resolution, the state's problem will be addressed.

Kropp moved that the resolution BE CONCURRED IN, the motion carried unanimously, with Ryan and Bardanouve not present or voting. Rep. Conroy will carry the bill on the floor.

HEARING

SB 403-Senator Turnage, sponsor--This is a general recodification and revision of the petition, initiative and referendum laws. The present law is difficult to deal with.

JOANNE WOODGERD, Deputy Secretary of State--We had a number of initiatives last year, and we could have as many in 1978. We found a number of problems both at the county level and state level, and with each citizen. We tried to amend the present law, but felt that the only way to really make sense of it would be to write a new law. This bill goes straight through the present law, and spells out just what you need to do. The major changes are: a petition must be submitted to the Secretary of State and the Attorney General for approval of form before it is circulated. This does not allow them to disallow a petition due to its substantive nature. Every section of the petition presented must have the affidavit of the circulator on it. This has been in local law for a number of years, and we feel it is a good safeguard. When the petitions are submitted for checking of the signatures, the names are checked against the lists of registered voters, and then a random sample of the signatures are checked. They don't have to check every signature with this. We feel the provision of affidavit is a safeguard and a method of challenge for the clerk and recorder. We also added a challenge procedure where someone in the county may challenge the genuineness of the petition. Because of the number of petitions that were circulated, alot of signatures and petitions didn't get checked at all. Another change provides a time limit for appointments of committees to write pro and con arguments. There was nothing in the law that said when you could start signing a petition - only when the deadline occurred. This bill allows you to begin one year before the election. The 1975 legislature passed a law dealing with the pro and con arguments. We had mechanical problems with getting the arguments in on time. We have tightened up the time periods for these arguments to be written. We have also provided for a minimal expense account for the committee who writes the pro and con arguments. We did provide for only minimal accounts. Alot of amendments were added to agree with amendments on page 3. The Senate struck, on page 17, line 19 the portion allowing the secretary of

state or the attorney general to consult the Supreme Court about the ballot form, they felt that this had to be a formal action, and should not be included in the bill.

MULAR-If we give you the minimum inherent right, I don't think you will abuse it. TURNER-Line 9, page 6 - I know of a number of cases where people have signed petitions and then found out that they weren't registered. KANDUCH-Page 2, subsection 2, line 18 - can you explain this? WOODGERD-When you have petitions with extra sheets that show no heading, the law holds that people may be signing something that they don't understand. So, even if you have 25 sheets of signatures, if only the first page shows the explanation, 24 sheets will be disqualified.

HEARING CLOSED

EXECUTIVE SESSION

SB 403-Mular moved to amend page 22, line 11 - Following: "members", Strike: "not to exceed", Insert: "shall be a minimum of". Woodgerd had suggested that we also amend page 22, line 10 - Following: "receive", Insert: "reasonable", Strike: "not to exceed \$150". Motion failed. Kanduch moved that the bill BE CONCURRED IN, the motion carried unanimously. Mular will carry it on the floor.

SB 122-BRAND-It seemed that the biggest problem was with the dates and time required in printing. Smith moved that the bill be NOT CONCURRED IN, the motion carried unanimously.

SB 265-BRAND-Dick, would you check into this and find out the old process and how the money was brought into the state. MULAR-I move to pass consideration on SB 265 for the day, motion carried.

SB 286-Kropp moved that the bill NOT BE CONCURRED IN. MULAR-As a substitute motion, for all motions pending, I move to amend page 3, line 3, Following: "~~state-treasurer~~", Insert: "the deputy state treasurer"; and to further amend page 3, line 4, Following: "~~three~~", Strike: "~~four~~", Insert: "three". Motion carried with Feda voting no. Mular moved that SB 286 BE CONCURRED IN AS AMENDED, motion carried 6 - 5, with Brand, Feda, Kropp, Smith, and Tower voting no; and Lien, Bardanouve, Menahan, and Ryan not voting.

MEETING ADJOURNED - 10:00 a.m.

Joe Brand, Chairman

Anita C. Sierke, Secretary

SENATE BILL NO. 403
INTRODUCED BY TURNAGE

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS IMPLEMENTING THE CONSTITUTIONAL RIGHT OF THE PEOPLE TO PETITION FOR INITIATIVE AND REFERENDUM ON STATEWIDE ISSUES; AMENDING SECTIONS 23-2704, 23-2802, 23-3326, AND 89-2330.3, R.C.M. 1947; AND REPEALING SECTIONS 37-101 THROUGH 37-104, 37-104.1, 37-104.2, 37-104.3, 37-104.4, 37-104.5, 37-104.6, 37-104.7, 37-104.8, 37-104.9, 37-104.10, 37-105 THROUGH 37-110, AND 37-201 THROUGH 37-203, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. There is a new R.C.M. section numbered 37-115 that reads as follows:

37-115. Initiative and referendum procedures established. The right of the people to petition to enact laws by initiative, to petition to approve or reject by referendum any act of the legislature except an appropriation of money, to call for a vote on whether there shall be a constitutional convention, and to propose constitutional amendments by initiative as guaranteed by The Constitution of the State of Montana may be exercised through adherence to the procedures established in this chapter.

Section 2. There is a new R.C.M. section numbered 37-116 that reads as follows:

37-116. Who may petition -- sufficiency of signature. A petition for the initiative, the referendum, or to call a constitutional convention may be signed only by a qualified elector of the state of Montana. A signature may not be counted unless the elector has signed in substantially the same manner as on the voter registry card.

Section 3. There is a new R.C.M. section numbered 37-117 that reads as follows:

37-117. Form of petition generally -- approval of form required -- petitions numbered. (1) A petition for the initiative, the referendum, or to call a constitutional convention must be substantially in the form provided by this chapter. Clerical or technical errors that do not interfere with the ability to judge the sufficiency of signatures on the petition do not render a petition void.

(2) ~~Petitions--must--be--submitted--in--a--form--such--that--the--face--dimensions--do--not--exceed--8-1/2-x-14--inches--in--size--Each--sheet--may--be--8-1/2-x-14--inches--or--a--continuous--sheet--may--be--folded--so--as--to--meet--this--size--limitations--Separate--sheets--of--a--petition--may--be--fastened--in--sections--of--not--more--than--25--sheets--Neither--a--sheet--nor--a--section--of--a--petition--may--contain--signatures--of--electors--from--more--than--one--county.~~ PETITION--PETITION SHEETS MAY NOT EXCEED 8 1/2 X 14

REFERENCE BILL

1 INCHES IN SIZE. SEPARATE SHEETS OF A PETITION MAY BE
 2 FASTENED IN SECTIONS OF NOT MORE THAN 25 SHEETS. NEAR THE
 3 TOP OF EACH SHEET CONTAINING SIGNATURE LINES MUST BE PRINTED
 4 THE TITLE OF THE STATUTE OR CONSTITUTIONAL AMENDMENT
 5 PROPOSED OR THE MEASURE TO BE REFERRED OR A STATEMENT THAT
 6 THE PETITION IS FOR THE PURPOSE OF CALLING A CONSTITUTIONAL
 7 AMENDMENT CONVENTION. If signature lines are printed on both
 8 the front and back of a petition sheet the information
 9 required above must appear on both the front and back of the
 10 sheet. The complete text of the measure proposed or referred
 11 must be attached to or contained within each signature sheet
 12 if sheets are circulated separately. If sheets are
 13 circulated in sections the complete text of the measure must
 14 be attached to each section.

15 (3) Before a petition may be circulated for
 16 signatures, a sample sheet must be submitted to the
 17 secretary of state in the form in which it will be
 18 circulated. The secretary of state shall refer a copy of the
 19 sheet to the attorney general for his approval. The
 20 secretary of state and attorney general must each review the
 21 sheet for sufficiency as to form and approve or reject the
 22 form of the petition stating his reasons therefor. The
 23 attorney general shall return the sheet together with his
 24 comments within 3 working days after receiving it. The
 25 secretary of state shall review the comments of the attorney

1 general and make a final decision as to the approval or
 2 disapproval of the form of the sheet. The secretary of state
 3 must notify the person who submitted the sheet of the
 4 approval or rejection together with reasons for rejection,
 5 if applicable, within 1 week of receiving the sheet.

6 (4) The secretary of state shall serially number all
 7 submitted petitions that are approved as to form
 8 continuously from year to year. The numbering system shall
 9 distinguish the different types of petitions received and
 10 include provisions for numbering measures referred to the
 11 people by the legislature.

12 Section 4. There is a new R.C.M. section numbered
 13 37-118 that reads as follows:

14 37-118. Petition for the initiative. (1) The following
 15 is substantially the form for a petition calling for a vote
 16 to enact a law by the initiative:

17 WARNING

18 A person who purposefully signs a name other than his
 19 own to this petition or who signs his name more than once
 20 upon a petition for the same issue at one election or who is
 21 not, at the time he signs this petition, a qualified elector
 22 of the state of Montana is punishable by a fine not
 23 exceeding \$500 or imprisonment in the county jail for a term
 24 not to exceed 6 months, or both, or imprisonment in the
 25 state prison for a term not to exceed 10 years.

PETITION FOR INITIATIVE

To the Honorable, Secretary of State of the state of Montana:

We, the undersigned qualified electors of the state of Montana, respectfully propose that the measure printed within this petition, entitled (title of proposed law), be submitted to the qualified electors of the state of Montana for their approval or rejection at the general election to be held on the day of, 19... By his signature, each signer certifies: I have personally signed this petition; I am a qualified elector of the state of Montana; I have not signed another petition for the same issue for the same election; and my post-office address and legislative representative district number are correctly written after my name to the best of my knowledge and belief. ~~The complete text of the measure proposed is as follows: (complete text of proposed law)~~

(2) Numbered lines shall follow the above heading. Each numbered line shall contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer. ~~Each separate sheet of the petition shall contain the heading and the complete text of the proposed law as prescribed above.~~

Section 5. There is a new R.C.M. section numbered 37-119 that reads as follows:

37-119. Petition for the referendum. (1) The following is substantially the form for a petition calling for approval or rejection of an act of the legislature by the referendum:

WARNING

A person who purposefully signs a name other than his own to this petition or who signs his name more than once upon a petition for the same issue at one election or who is not, at the time he signs this petition, a qualified elector of the state of Montana is punishable by a fine of not exceeding \$500 or imprisonment in the county jail for a term not to exceed 6 months, or both, or imprisonment in the state prison for a term not to exceed 10 years.

PETITION FOR REFERENDUM

To the Honorable, Secretary of State of the state of Montana:

We, the undersigned qualified electors of the state of Montana, respectfully petition that Senate (House) Bill Number, entitled (title of act), passed by the Legislature of the state of Montana at the regular (special) session of the legislature that commenced, 19..., be referred to the people of the state for their approval or rejection at the general election to be held on the day of, 19 ... By his signature, each signer certifies: I have personally signed this petition; I am a qualified

1 elector of the state of Montana; I have not signed another
 2 petition for the same issue for the same election; and my
 3 post-office address and legislative representative district
 4 number are correctly written after my name to the best of my
 5 knowledge and belief. ~~The complete text of the act to be~~
 6 ~~referred is as follows: (complete text of act):~~

7 (2) Numbered lines shall follow the above heading.
 8 Each numbered line shall contain spaces for the signature,
 9 post-office address, legislative representative district
 10 number, and printed last name of the signer. ~~Each separate~~
 11 ~~sheet of the petition shall contain the heading and the~~
 12 ~~complete text of the act on which referendum is petitioned~~
 13 ~~as prescribed above.~~

14 Section 6. There is a new R.C.M. section numbered
 15 37-120 that reads as follows:

16 37-120. Petition for initiative for constitutional
 17 convention. (1) The following is substantially the form for
 18 a petition to direct the secretary of state to submit to the
 19 qualified voters the question of whether there shall be a
 20 constitutional convention:

21 WARNING

22 A person who purposefully signs a name other than his
 23 own to this petition or who signs his name more than once
 24 upon a petition for the same issue at one election or who is
 25 not, at the time he signs this petition, a qualified elector

1 of the state is punishable by a fine not exceeding \$500 or
 2 imprisonment in the county jail for a term not to exceed 6
 3 months, or both, or imprisonment in the state prison for a
 4 term not to exceed 10 years.

5 INITIATIVE PETITION ON THE QUESTION OF CALLING

6 A CONSTITUTIONAL CONVENTION

7 To the Honorable, Secretary of State of the
 8 state of Montana:

9 We, the undersigned qualified electors of the state of
 10 Montana, respectfully petition that the question of whether
 11 there shall be an unlimited convention to revise, alter, or
 12 amend The Constitution of the State of Montana be submitted
 13 to the qualified electors of the state of Montana for their
 14 approval or rejection at the general election to be held on
 15 the day of, 19... By his signature, each signer
 16 certifies: I have personally signed this petition; I am a
 17 qualified elector of the state of Montana; I have not signed
 18 another petition for the same issue for the same election;
 19 and my post-office address and legislative representative
 20 district number are correctly written after my name to the
 21 best of my knowledge and belief.

22 (2) Numbered lines shall follow the above heading.
 23 Each numbered line shall also contain spaces for the
 24 signature, post-office address, legislative representative
 25 district number, and printed last name of the signer. Each

1 ~~separate--sheet--of--the--petition--shall--contain--the--heading~~
2 ~~prescribed--above~~

3 Section 7. There is a new R.C.M. section numbered
4 37-121 that reads as follows:

5 37-121. Petition for initiative for constitutional
6 amendment. (1) The following is substantially the form for a
7 petition for the initiative to amend the constitution:

8 WARNING

9 A person who purposefully signs a name other than his
10 own to this petition or who signs his name more than once
11 upon a petition for the same issue at one election or who is
12 not, at the time he signs this petition, a qualified elector
13 of the state of Montana is punishable by a fine not
14 exceeding \$500 or imprisonment in the county jail for a term
15 not to exceed 6 months, or both, or imprisonment in the
16 state prison for a term not to exceed 10 years.

17 PETITION PROPOSING A CONSTITUTIONAL AMENDMENT

18 BY THE INITIATIVE

19 To the Honorable, Secretary of State of the
20 state of Montana:

21 We, the undersigned qualified electors of the state of
22 Montana, respectfully petition that the constitutional
23 amendment printed within this petition be submitted to the
24 qualified electors of the state of Montana for their
25 approval or rejection at the statewide election to be held

1 on the day of, 19... By his signature, each
2 signer certifies: I have personally signed this petition; I
3 am a qualified elector of the state of Montana; I have not
4 signed another petition for the same issue for the same
5 election; and my post-office address and legislative
6 representative district number are correctly written after
7 my name to the best of my knowledge and belief. ~~The complete~~
8 ~~text of the proposed amendment is as follows: (complete text~~
9 ~~of proposed amendment).~~

10 (2) Numbered lines shall follow the above heading.
11 Each numbered line shall contain spaces for the signature,
12 post-office address, legislative representative district
13 number, and printed last name of the signer. ~~Each separate~~
14 ~~sheet of the petition shall contain the heading and the~~
15 ~~complete text of the proposed amendment as prescribed above.~~

16 Section 8. There is a new R.C.M. section numbered
17 37-122 that reads as follows:

18 37-122. Submission of petition sheets -- certification
19 of signatures. (1) Signed sheets or sections of petitions
20 shall be submitted to the official responsible for
21 registration of electors in the county in which the
22 signatures were obtained no sooner than 1 year and no later
23 than 2 weeks before the final date for filing the petition
24 with the secretary of state. In no case, however, may a
25 person submit a sheet or section of a petition to the county

1 official so late as to allow less than 1 working day before
2 the final date for filing the petition with the secretary of
3 state for every 200 signatures on the sheets or sections of
4 the petition submitted.

5 (2) An affidavit, in substantially the following form,
6 shall be attached to each sheet or section submitted to the
7 county official:

8 (Name of person circulating petition), AFFIRMS, OR
9 being first sworn, deposes and says: That I circulated or
10 assisted in circulating the petition to which this affidavit
11 is attached and I believe the signatures thereon are
12 genuine, are the signatures of the persons whose names they
13 purport to be, and that the signers knew the contents of the
14 petition before signing the same.

15 (Signature)
16 Subscribed and sworn to before me this day of,
17 19...

18 (Person authorized to take oaths)
19 Seal (Title or notarial information)

20 Section 9. There is a new R.C.M. section numbered
21 37-123 that reads as follows:

22 37-123. County official to forward verified sheets.
23 (1) The county official verifying the number of registered
24 electors signing the petition shall forward it to the
25 secretary of state by certified mail with a certificate in

1 substantially the following form attached:

2 To the Honorable, Secretary of State of the
3 state of Montana:

4 I,, (title) of the County of,
5 certify that I have examined the attached (section
6 containing ... sheets) or (... sheets) of the petition for
7 (referendum, initiative, constitutional convention, or
8 constitutional amendment) No. in the manner prescribed
9 by law; and I believe that (number) signatures in
10 Legislative Representative District No. (repeat for
11 each district included in sheet or section) are valid; and I
12 further certify that the affidavit of the circulator of the
13 (sheet) (section) of the petition is attached and the
14 post-office address and legislative representative district
15 number is completed for each valid signature.

16 Signed: (Date) (Signature)
17 Seal (Title)

18 (2) The county official certifying the sheets or
19 sections of a petition shall keep a copy of the sheets or
20 sections certified in the official files of his office. The
21 copies may be destroyed 3 months after the date of the
22 election specified in the petition unless a court action is
23 pending on the sufficiency of the petition.

24 (3) The county official receiving the sheets or
25 sections of a petition shall check the names of all signers

1 to verify they are registered electors of the county. In
 2 addition, the official shall randomly select ~~10% of the~~
 3 signatures on each sheet or section and compare them with
 4 the signatures of the electors as they appear in the
 5 registration records of the office. If all the randomly
 6 selected signatures appear to be genuine, the number of
 7 signatures of registered electors on the sheet or section
 8 may be certified to the secretary of state without further
 9 comparison of signatures. If any of the randomly selected
 10 signatures do not appear to be genuine, all signatures on
 11 that sheet or section must be compared with the signatures
 12 in the registration records of the office.

13 (4) The county official to whom the sheets or sections
 14 of the petition are submitted may not retain a sheet or
 15 section for longer than 1 working day for each 200
 16 signatures on the sheet or section. The secretary of state
 17 may extend this time if he is convinced the workload
 18 involved requires extension.

19 (5) A registered elector of a county having reason to
 20 believe that signatures on a petition that were not among
 21 those actually compared with signatures in the registration
 22 records of the county are not genuine may file a sworn
 23 statement OR AFFIRMATION of his belief and request for
 24 comparison of those signatures he believes are not genuine
 25 with the county official certifying the sheet or section of

1 the petition. If any of the challenged signatures are not
 2 genuine, the county official must compare all signatures on
 3 that sheet or section and issue an amended certificate to
 4 the secretary of state giving the correct number of valid
 5 signatures.

6 Section 10. There is a new R.C.M. section numbered
 7 37-124 that reads as follows:

8 37-124. Consideration and counting of signatures by
 9 secretary of state. (1) The secretary of state shall
 10 consider and count only such signatures on petitions as are
 11 certified by the proper county official, and each such
 12 certificate is prima facie evidence of the facts stated
 13 therein. However, the secretary of state may consider and
 14 count any signature not certified by the county official
 15 that is certified by a notary public of the county in which
 16 the signer resides to be the genuine signature of an elector
 17 legally qualified to sign the petition.

18 (2) The official certificate of the notary public for
 19 any signature not certified as valid by the county official
 20 shall be in substantially the following form:

21 State of Montana) ss
 22 County of)

23 I, (name), a duly qualified and acting notary
 24 public in and for the above-named county and state, do
 25 hereby certify: that I am personally acquainted with each of

1 the following-named electors whose signatures are affixed to
 2 the annexed (petition) (copy of a petition), and I know of
 3 my own knowledge that they are registered electors of the
 4 state of Montana and of the county and legislative district
 5 written after their names in the petition and that their
 6 post-office address is correctly stated therein.

7(Names of such electors)

8 In Testimony Whereof, I have hereunto set my hand and
 9 official seal this day of, 19...

10 (Signature)

11 Seal (Notarial information)

12 Section 11. There is a new R.C.M. section numbered
 13 37-125 that reads as follows:

14 37-125. Time for filing. Unless a specific time for
 15 filing is provided in the constitution, all petitions filed
 16 with the secretary of state, certified as provided by law,
 17 must be received before 5 p.m. of the second Friday of the
 18 fourth month prior to the election at which they are to be
 19 voted upon by the people.

20 Section 12. There is a new R.C.M. section numbered
 21 37-126 that reads as follows:

22 37-126. Certification of petition to governor --
 23 governor's proclamation. When sheets or sections of a
 24 petition for referendum, initiative, constitutional
 25 convention, or constitutional amendment containing a

1 sufficient number of signatures have been filed with the
 2 secretary of state within the time required by the
 3 constitution or by law, he shall immediately certify to the
 4 governor that the completed petition has been officially
 5 filed. The governor shall include the titles of all ballot
 6 issues certified to him by the secretary of state or
 7 referred to the people or proposed by the legislature in the
 8 proclamation required by 23-2901 and shall also include a
 9 brief statement of each issue's tenor and effect.

10 Section 13. There is a new R.C.M. section numbered
 11 37-127 that reads as follows:

12 37-127. Transmittal of issues to the attorney general
 13 -- attorney general's statement. (1) The secretary of state
 14 shall transmit a copy of a ballot issue proposed by any type
 15 of initiative petition or referred to the people by
 16 referendum petition and a copy of the form in which the
 17 issue will appear on the ballot to the attorney general on
 18 the same day he certifies the official filing of the
 19 completed petition to the governor.

20 (2) The secretary of state shall transmit a copy of an
 21 act referred to the people or a constitutional amendment
 22 proposed by the legislature and a copy of the form in which
 23 the issue will appear on the ballot to the attorney general
 24 no later than 6 months before the election at which the
 25 issue will be voted on by the people.

(3) Within 10 days after receiving a copy of a ballot issue that will be voted on by the people, the attorney general shall return to the secretary of state a statement not exceeding 100 words in ordinary plain language explaining the general purpose of the issue submitted. The statement by the attorney general shall give a true and impartial statement of the purposes of the issue in plain, easily understood language and in a manner that is not an argument or likely to create prejudice either for or against the issue.

(4) At the same time he returns the statement explaining the purposes of the issue, the attorney general shall notify the secretary of state of his approval or disapproval of the ballot form for the issue submitted by the secretary. If the ballot form is not approved, the secretary of state shall immediately submit a new ballot form and notice of approval or disapproval must be given by the attorney general within 5 days of receiving the new form. ~~Either officer may request the assistance of the supreme court if the two are not able to agree on the ballot form for any issue.~~

(5) If statements of the implication of a vote for or against a ballot issue have been provided by the legislative act or petition placing the issue on the ballot, the secretary of state shall include a copy of the statements

with the copy of the issue submitted to the attorney general. When the attorney general returns his statement of the general purpose of the issue to the secretary of state, he shall include a notice that he has reviewed the statements of the implication of a vote for or against the issue and may include comments as to whether the statements clearly explain the implications of a vote. If statements of the implication of a vote for or against a measure have not been provided, the attorney general shall provide the statements with his statement of the general purpose of the issue. Statements of the implication of a vote for or against a ballot issue shall be no more than 25 words and shall be in simple language clearly explaining the meaning of a vote for the issue or a vote against the issue. Such statements shall be placed beside the diagram provided for the marking of the ballot similar to the following example:

FOR extending the right to vote to persons 18 years of age.

AGAINST extending the right to vote to persons 18 years of age.

(6) In the case of an act referred to the people or a constitutional amendment proposed by the legislature, the secretary of state shall prepare a statement setting forth the vote by which the issue passed each house of the legislature. The secretary of state shall file an official

1 copy of his statement with the attorney general's statement
2 on the issue in the official records of his office.

3 Section 14. There is a new R.C.M. section numbered
4 37-128 that reads as follows:

5 37-128. Voter information pamphlet. (1) (a) The
6 secretary of state shall prepare for printing a voter
7 information pamphlet containing the following information
8 for each ballot issue to be voted on at an election, as
9 applicable:

- 10 (i) title and complete text of the issue;
- 11 (ii) statement of the secretary of state;
- 12 (iii) statement of the attorney general;
- 13 (iv) the form in which the issue will appear on the
14 ballot;
- 15 (v) arguments advocating approval and rejection of the
16 issue; and
- 17 (vi) rebuttal arguments.

18 (b) The secretary of state may arrange the information
19 in the order which seems most appropriate, but the
20 information for all issues in the pamphlet shall be
21 presented in the same order.

22 (2) The arguments advocating approval or rejection of
23 the ballot issue and rebuttal arguments shall be submitted
24 to the secretary of state by committees appointed as
25 provided in this subsection:

1 (a) The committee advocating approval of an act
2 referred to the people or a constitutional amendment
3 proposed by the legislature or an act referred to the people
4 by referendum petition shall be composed of one senator
5 known to favor the measure, appointed by the president of
6 the senate; one representative known to favor the measure,
7 appointed by the speaker of the house of representatives;
8 and one member who need not be a member of the legislature,
9 appointed by the first two members.

10 (b) The committee advocating rejection of a ballot
11 issue referred to the people or proposed by the legislature
12 shall be composed of one senator appointed by the president
13 of the senate; one representative appointed by the speaker
14 of the house of representatives; and one member who need not
15 be a member of the legislature, appointed by the first two
16 members. Whenever possible, the members shall be known to
17 have opposed the issue.

18 (c) A three-member committee advocating approval of a
19 ballot issue proposed by any type of initiative petition or
20 advocating rejection of any ballot issue that is a
21 legislative act referred to the people by referendum
22 petition shall be appointed by the chairman of the
23 organization that was first on record with the commissioner
24 of campaign finances and practices as a proponent of the
25 petition.

(d) A committee advocating rejection of a ballot issue proposed by any type of initiative petition shall be composed of five members. The governor, attorney general, president of the senate, and speaker of the house of representatives shall each appoint one member, and the fifth member shall be appointed by the first four members. All members shall be known to favor rejection of the issue.

Section 15. There is a new R.C.M. section numbered 37-129 that reads as follows:

37-129. Time for making appointments -- chairman. (1) Appointments to committees advocating approval or rejection of an act referred to the people or a constitutional amendment proposed by the legislature shall be filed with the secretary of state no later than 4 months before the election at which the ballot issue will be voted on by the people.

(2) Appointments to committees advocating approval or rejection of a ballot measure referred to the people by referendum petition or proposed by any type of initiative petition shall be filed with the secretary of state no later than 10 days after the measure is certified to the governor. At the same time the certification of the sufficiency of a petition is made to the governor, the secretary of state shall notify all persons responsible for appointing members of committees advocating approval or rejection of the issue

of the date by which such appointments must be filed in his office.

(3) The appointee of the president of the senate is the chairman of any committee to which that officer makes an appointment. The appointing authority for other committees shall name a chairman at the time the appointments are made.

Section 16. There is a new R.C.M. section numbered 37-130 that reads as follows:

37-130. Expenses allowed. Each committee is entitled to receive funds for the preparation of arguments and expenses of members not to exceed \$150 for a three-member committee and \$250 for a five-member committee. Itemized claims for actual expenses incurred, approved by a majority of the committee, shall be submitted to the secretary of state for payment from funds appropriated for that purpose.

Section 17. There is a new R.C.M. section numbered 37-131 that reads as follows:

37-131. Limitation on length of argument advocating approval or rejection -- time of filing. An argument advocating approval or rejection of a ballot issue is limited to 500 words and shall be filed, in typewritten form, with the secretary of state no later than 30 days following the date by which the appointment of the committee was required to be filed with the secretary of state. In no case, however, may an argument be submitted for filing later

1 than 70 days before the election at which the issue will be
 2 voted on by the people. A majority of the committee
 3 responsible for preparation must approve and sign each
 4 argument filed. Separate signed letters of approval of an
 5 argument may be filed with the secretary of state by members
 6 of a committee if necessary to meet the filing deadline.

7 Section 18. There is a new R.C.M. section numbered
 8 37-132 that reads as follows:

9 37-132. Rebuttal arguments. The secretary of state
 10 shall provide copies of the arguments advocating approval or
 11 rejection of a ballot issue to the members of the adversary
 12 committee no later than 1 day following the filing of both
 13 the approval and rejection arguments for the issue in his
 14 office. The committees may prepare rebuttal arguments no
 15 longer than 250 words that shall be filed, in typewritten
 16 form, with the secretary of state no later than 10 days
 17 after the deadline for filing the original arguments.
 18 Discussion in the rebuttal argument must be confined to the
 19 subject matter raised in the argument being rebutted. The
 20 rebuttal argument shall be approved and signed by a majority
 21 of the committee responsible for its preparation. Separate
 22 signed letters of approval may be submitted in the same
 23 manner as for the original arguments.

24 Section 19. There is a new R.C.M. section numbered
 25 37-133 that reads as follows:

1 37-133. Rejection of improper arguments --
 2 responsibility of author for content. (1) The secretary of
 3 state shall reject, with the approval of the attorney
 4 general, an argument or other matter held to contain
 5 obscene, vulgar, profane, scandalous, libelous, or
 6 defamatory matter; any language that in any way incites,
 7 counsels, promotes, or advocates hatred, abuse, violence, or
 8 hostility toward, or that tends to cast ridicule or shame
 9 upon, a group of persons by reason of race, color, religion,
 10 or sex; or any matter not allowed to be sent through the
 11 mail. Such arguments may not be filed or printed in the
 12 voter information pamphlet.

13 (2) Nothing in this act relieves an author of any
 14 argument from civil or criminal responsibility for
 15 statements contained in an argument printed in the voter
 16 information pamphlet.

17 Section 20. There is a new R.C.M. section numbered
 18 37-134 that reads as follows:

19 37-134. Printing and distribution of voter information
 20 pamphlet. (1) The secretary of state shall arrange with the
 21 department of administration by requisition for the printing
 22 and delivery of a voter information pamphlet for all ballot
 23 issues to be submitted to the people at least 90 days before
 24 the election at which they will be submitted. The
 25 requisition shall include a delivery list providing for

1 shipment of the required number of pamphlets to each county
2 and to the secretary of state.

3 (2) The secretary of state shall estimate the number
4 of copies necessary to furnish one copy to every voter in
5 each county and provide for an extra supply of the pamphlets
6 in his office in determining the number of voter pamphlets
7 to be ordered in the requisition.

8 (3) The department of administration shall call for
9 bids and contract with the lowest bidder for the printing
10 and delivery of the voter information pamphlet. The contract
11 shall require completion of printing and shipment, as
12 specified on the delivery list, of the voter information
13 pamphlets by not later than 30 days before the election at
14 which the ballot issues will be voted on by the people.

15 (4) The county official responsible for voter
16 registration in each county shall mail one copy of the voter
17 information pamphlet to each registered voter of the county
18 no later than 2 weeks after the pamphlets are received from
19 the printer.

20 (5) Ten copies of the voter information pamphlet shall
21 be available at each precinct for use by any voter wishing
22 to read the explanatory information and complete text before
23 voting on the ballot issues.

24 Section 21. There is a new R.C.M. section numbered
25 37-135 that reads as follows:

1 37-135. Secretary of state to certify ballot form. (1)
2 The secretary of state shall furnish to the official of each
3 county responsible for preparation and printing of the
4 ballots, at the same time as he certifies the names of the
5 persons who are candidates for offices to be filled at the
6 election, a certified copy of the form in which each ballot
7 issue to be voted on by the people at that election is to
8 appear on the ballot. Unless otherwise provided in the
9 legislative act or petition placing the issue on the ballot,
10 the secretary of state shall list for each issue the number,
11 the method of placement on the ballot, the title, and the
12 statements of the implication of a vote for or against the
13 issue that are to be placed beside the diagram for marking
14 the ballot. The secretary of state shall use for each ballot
15 issue the title of the legislative act, legislative
16 constitutional proposal, or ballot issue proposed by any
17 type of initiative petition unless that title exceeds 100
18 words. A title of 100 words or less for the ballot shall be
19 provided by the legislature or the organization circulating
20 the petition if the official title exceeds 100 words.
21 Following the number of the ballot issue, the secretary of
22 state shall include one of the following statements to
23 identify why the issue has been placed on the ballot:

24 (a) an act referred by the legislature;

25 (b) an amendment to the constitution proposed by the

1 legislature;

2 (c) an act of the legislature referred by referendum
3 petition; or

4 (d) a law or constitutional amendment proposed by
5 initiative petition.

6 (2) Each of the county officials responsible for the
7 preparation and printing of the ballots shall print the
8 ballot issues on the official ballot in the form and order
9 in which the issues have been certified by the secretary of
10 state. All ballot issues shall be placed on the official
11 ballot prescribed by 23-3506, 23-3804, or 23-3904 unless
12 specific written approval by the secretary of state for
13 placing the ballot issues on a separate ballot is received
14 by the official responsible for printing the ballot. The
15 secretary of state may issue such approval only when the
16 number of issues to be voted on at an election makes it
17 impossible to print the entire ballot, including the ballot
18 issues, on the official ballot as prescribed by 23-3506,
19 23-3804, or 23-3904.

20 Section 22. There is a new R.C.M. section numbered
21 37-136 that reads as follows:

22 37-136. Determination of result of election. (1) The
23 votes on ballot issues shall be counted, canvassed, and
24 returned by the regular boards of judges, clerks, and
25 officers as votes for candidates are counted, canvassed, and

1 returned. The abstract of votes on ballot issues shall be
2 prepared and returned to the secretary of state in the
3 manner provided by 23-4015 for abstract of votes for state
4 officers. The state board of canvassers shall proceed within
5 20 days after the election at which such ballot issues are
6 voted upon and, at the same time as the votes for state
7 officers are canvassed, canvass the votes given for each
8 ballot issue. The secretary of state, as secretary of the
9 board of state canvassers, shall prepare and file in his
10 office a statement of the canvass giving the number and
11 title of each issue, the whole number of votes cast in the
12 state for and against each ballot issue, and the effective
13 date of each ballot issue approved by a majority of those
14 voting on the issue. The secretary of state shall transmit a
15 certified copy of the statement of the canvass to the
16 governor.

17 (2) The secretary of state shall send a certified copy
18 of all ballot issues which have been approved by a majority
19 of those voting on the issue and a copy of the statement of
20 the canvass to the executive director of the legislative
21 council at the same time he transmits a certified copy of
22 the statement of the canvass to the governor.

23 Section 23. There is a new R.C.M. section numbered
24 37-137 that reads as follows:

25 37-137. Effective date of initiative and referendum

1 issues. (1) Unless the petition placing an initiative issue
2 on the ballot states otherwise, an initiative issue approved
3 by the people is effective on July 1 following approval.

4 (2) Unless the legislature provides otherwise, a
5 constitutional amendment proposed by the legislature and
6 approved by the people is effective on July 1 following
7 approval.

8 (3) Unless specifically provided by the legislature in
9 an act referred by it to the people or until suspended by a
10 petition signed by at least 15% of the qualified electors in
11 a majority of the legislative representative districts, an
12 act referred to the people is in effect as provided by law
13 until it is approved or rejected at the election. An act
14 that is rejected is repealed effective the date the result
15 of the canvass is filed by the secretary of state under
16 37-136. An act referred to the people that was in effect at
17 the time of the election and is approved by the people
18 remains in effect. An act that was suspended by a petition
19 and is approved by the people is effective the date the
20 result of the canvass is filed by the secretary of state
21 under 37-136. An act referred by the legislature that
22 contains an effective date following the election becomes
23 effective on that date if approved by the people. An act
24 that provides no effective date and whose substantive
25 provisions were delayed by the legislature pending approval

1 at an election and that is approved is effective July 1
2 following the election.

3 Section 24. There is a new R.C.M. section numbered
4 37-138 that reads as follows:

5 37-138. Violations -- penalties. A person who
6 knowingly makes a false entry upon a petition or affidavit
7 required by this chapter or who knowingly signs a petition
8 to place the same issue on the ballot at the same election
9 more than once is guilty of unsworn falsification or
10 tampering with public records or information, as
11 appropriate, and is punishable as provided in 94-7-204 or
12 94-7-209, as applicable.

13 Section 25. Section 23-2704, R.C.M. 1947, is amended
14 to read as follows:

15 "23-2704. Notice and closing of registration for
16 elections on incurring of state indebtedness other than for
17 refunding or levy of tax. (1) If the question of state
18 indebtedness, issuance of bonds or debentures other than for
19 refunding, or the levy of a tax for state purposes, is
20 submitted at an election other than a general biennial
21 election, the registrar of each county shall publish in the
22 official county newspaper, a notice signed by him, stating
23 that registration will close at noon on the fortieth (40th)
24 day prior to the date of the election unless the act
25 providing for the submission of the question fixes a

1 different time for the giving of notice. The notice shall be
2 published ten (10) days or more prior to the date when
3 registration will be closed unless the act providing for
4 submission of the question fixes a different time for
5 closing registration.

6 (2) If the question is to be submitted at a general
7 biennial election, notice and the closing of registration
8 shall be governed by the laws applying to general biennial
9 elections. The provisions of ~~section--37-107,--R.C.M.--1947~~
10 ~~37-134~~ apply to the printing and distribution of copies of
11 the proposed law."

12 Section 26. Section 23-2802, R.C.M. 1947, is amended
13 to read as follows:

14 "23-2802. Publication and printing of amendments to
15 constitution. If a proposed constitutional amendment or
16 amendments are submitted to the people, the secretary of
17 state shall:

18 ~~(1)--Have~~ have the proposed amendment or amendments
19 published in full twice each month for ~~two--(2)~~ months
20 previous to the election at which they are to be voted upon
21 by the people in not less than one ~~(1)~~ newspaper commonly
22 circulated of general circulation in each county.

23 ~~(2)--Have a pamphlet printed containing an exact copy~~
24 ~~of the proposed amendment or amendments, an exact copy of~~
25 ~~existing constitutional provisions to be revised, and the~~

1 ~~amendment or amendments in the form in which it or they will~~
2 ~~be printed on the official ballot. The printed pamphlets~~
3 ~~shall be distributed as provided in section--37-107,--R.C.M.~~
4 ~~1947."~~

5 Section 27. Section 89-2330.3, R.C.M. 1947, is amended
6 to read as follows:

7 "89-2330.3. Procedures for elections in drainage
8 districts. The election provided for by section 89-2330.1
9 shall be governed by the following rules.

10 (1) Notice of the election shall be as provided in
11 section 89-2303 except that the form of the ballot shall be
12 as hereinafter provided.

13 (2) The manner of conducting the election shall be as
14 provided in section 89-2304.

15 (3) The qualifications of electors shall be as
16 provided in section 89-2305 except that, in addition to
17 persons holding title, or evidence of title to lands within
18 the district, any person as therein defined who does not own
19 land within the district but has been assessed or will have
20 his improvements assessed under chapter 409, Laws of 1973,
21 or who will be assessed for benefits received, shall be
22 entitled to one (1) vote. Commissioners shall prepare a
23 list of such persons and give them notice as provided in
24 section 89-2303.

25 (4) The commissioners of any district in existence

1 prior to the effective date of chapter 409, Laws of 1973,
 2 who wish to hold an election to determine if the district
 3 shall be governed by chapter 409, Laws of 1973, shall at any
 4 regular or special meeting adopt a resolution calling for an
 5 election to determine whether or not the voters of said
 6 district wish to be governed by chapter 409, Laws of 1973.
 7 The resolution shall contain a short summary of the changes
 8 made by chapter 409, Laws of 1973 and shall include the
 9 summary as part of the notice provided for by section
 10 89-2303. In addition, the commission shall provide copies of
 11 chapter 409, Laws of 1973 to any person interested in
 12 obtaining a copy of the same and the notice to the persons
 13 in the district calling the election shall describe where
 14 and how copies may be obtained. The commissioners may
 15 authorize a reasonable charge for providing said copies, not
 16 to exceed twenty cents (\$.20) per page.

17 (5) The ballot shall include the summary as provided
 18 for in the preceding paragraph and the form of the ballot
 19 shall conform, as closely as possible, to that set forth in
 20 ~~section-37-106~~ 37-121.

21 (6) A simple majority of those who cast valid ballots
 22 shall determine the outcome of the election."

23 Section 28. Section 23-3326, R.C.M. 1947, is amended
 24 to read as follows:

25 "23-3326. Submission and verification of petition.

1 Petitions of nomination for the presidential preference
 2 primary election must be presented to the county clerk and
 3 recorder of the county in which the signatures are gathered.
 4 The county clerk and recorder must verify the signatures in
 5 the manner prescribed in ~~section-37-103, R.C.M.-1947~~
 6 37-123 and must forward the petitions to the secretary of
 7 state. The petitions must be submitted to the clerk and
 8 recorder at least ~~thirty--(30)~~ days before the filing
 9 deadline established in ~~section 23-3305, R.C.M.-1947.~~"

10 Section 29. Repealer. Sections 37-101 through 37-104,
 11 37-104.1, 37-104.2, 37-104.3, 37-104.4, 37-104.5, 37-104.6,
 12 37-104.7, 37-104.8, 37-104.9, 37-104.10, 37-105 through
 13 37-110, and 37-201 through 37-203, R.C.M. 1947, are
 14 repealed.

-End-